

Panaji, 27th February, 2019 (Phalguna 8, 1940)

SERIES I No. 47

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

No. 4

GOVERNMENT OF GOA

Department of Home

Home—General Division

Notification

2/37/2011-HD(G)/Part/708

In exercise of the powers conferred by section 2 and 8 of the Poisons Acts, 1919 (Central Act 12 of 1919), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Poisons Possession and Sale Rules, 2014.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) “Act” means the Poisons Act, 1919 (Central Act 12 of 1919);

(b) “dealer” means a person holding license under these rules;

(c) “License” means license issued under these rules;

(d) “Licensing authority” means the District Magistrate or any other officer authorized by the Government to grant a license;

(e) “Licensee” means a holder of a license under these rules;

(f) “notification” means a notification published in the Official Gazette;

(g) “Form” means a form appended to these rules;

(h) “Schedule” means the Schedule appended to these rules;

(i) “Sale” means any sale by a dealer to another dealer or by a dealer to any educational institution or to any research or medical institution or hospital or dispensary under a qualified medical practitioner (Registered Medical Practitioner) or any recognized public institution or industrial firm requiring poisons for its own use or to Government Departments or Public Sector Undertakings or to an individual for personal use.

3. The poisons specified in the Schedule shall be deemed to be poisons for the purposes of these rules.

4. *License for Possession or Sale of Poisons.*— No person, not exempted under the

provisions of the Act, shall sell or possess for sale any poison specified in the Schedule except under a license in Form I granted or renewed in that behalf by the licensing authority.

5. *Exhibition of Rules on the premises.*— A copy of these rules shall always be displayed in prominent position at the place of business specified in the license granted under rule 4.

6. *Application for grant or renewal of license.*— (1) Every person desiring for the grant of license or renewal of a license shall make a written application to the licensing authority in Form II and such application shall bear a court fee stamp of ten rupees:

Provided that any application for renewal of a license which is made less than three months prior to the date of the expiry of the license shall bear a court fee stamp of five hundred rupees.

(2) On receipt of an application under sub-rule (1), the licensing authority may, grant or refuse to grant the license or grant a license subject to modifications as respect the poisons and quantity of poisons applied for.

(3) Application for duplicate license, when the original is lost or destroyed shall be made in writing and shall bear a court fee stamp of five hundred rupees.

(4) In the case of any change in the place of business of the licensee, a fresh application for license shall be made to the licensing authority and such application shall bear a court fee stamp of hundred rupees.

(5) The licensee shall prominently display the license in the place of business.

7. *Duration of License.*— Subject to the provisions of rules 8 and 9, of these rules, a license granted or renewed under these rules shall remain in force for five years from the date of issue.

8. *Discretion of Licensing Authority.*— A license may be cancelled or revoked at any time by the licensing authority. The grant/ /renewal/cancellation/revocation of a license shall be in the discretion of the licensing authority whose decision shall be final:

Provided that the licensing authority shall give an opportunity to the licensee concerned to show cause, if any, against the action proposed to be taken and shall record in writing the reasons for refusing to grant or renew a license or for cancelling or revoking a license.

9. *Termination of license.*— A license shall terminate on the death of the licensee or on the transfer of his business, or if granted to a firm or company, on the winding up or the transfer of the business of such firm or company:

Provided that, if the business carried on by the licensee as such of the firm or company is transferred as a going concern and the transferee applies for a fresh license, with court fee stamp of hundred rupees, within fourteen days of the date of transfer, the subsisting license shall continue to be in force until a new license has been granted or the application for fresh license is rejected by the licensing authority.

10. *Disposal of stock on termination, revocation or cancellation of license.*— In the event of revocation or cancellation of the license under rule 8 or in the event of the termination of license under rule 9, the stock of poison may be sold to any other licensee within a period of three months from the date of such termination, revocation or cancellation of the license, after which the remaining poison may be destroyed under the orders of the licensing authority. In the case referred to in rule 9, the proceeds of the sale, if any, shall be made over to the legal representative of the deceased licensee or his transferee or, liquidator of the dissolved firm or company or the transferee of the firm or company, as the case may be.

11. *Power to Inspect Poisons and Registers.*— Any Executive Magistrate or a Police Officer of the rank of Sub-Inspector and above or a Medical Officer appointed by the Government or an Inspector appointed under section 21 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940) may, at any time, visit and inspect the premises of the licensee where a poison is kept for sale and may inspect all poisons found therein and the registers.

12. *License to whom granted.*— (1) A license shall be granted only to a person who in the opinion of the licensing authority is competent to conduct business in poisons.

(2) The license issued to a firm shall always be in the name of the partner of the firm and in case of the company to a responsible person to be nominated by such company for the purpose, or in the case of a public company, in the name of its manager.

(3) The name or names so given may be altered or amended by the licensing authority on a written application from the firm or company and such application shall bear a court fee stamp of hundred rupees.

13. *Sale of poison.*— Every sale of poisons, shall, as far as practicable, be made by the licensee in person or where the licensee is a firm or a company, through or under supervision of an accredited representative of such firm or company.

14. *Persons to whom poisons may be sold.*— A licensee shall not sell any poison to any person, unless the latter is personally known to him, or identified to his satisfaction by producing a photo identity card which bears his address or substantiate it with a document giving his address. He shall also ascertain before selling any poison the name, telephone and address of the purchaser and the purpose for which the poison is purchased. He shall not sell any poison to any person who appears to him to be under the age of eighteen years, or to any person who does not appear to him to be in full possession of his faculties.

15. *Register of sales of poisons.*— (1) Every licensee shall maintain a register, in which he shall enter correctly all sales of poison other than those used by a registered Chemist, Druggist or Pharmacist dispensing or compounding, in compliance with the prescription of a qualified medical or veterinary practitioner.

The following details shall be entered in such register in respect of such sale, namely:—

(a) Serial No.; (b) Name of poison; (c) Quantity sold; (d) Date of sale; (e) Name and address of the purchaser, serial number of the photo-identity card produced and the name of the issuing authority; (f) Purposes for which the poison was required, as stated by the purchaser; (g) Signature of purchaser (or thumb impression, if illiterate or in the case of purchase by post, date on which the letter was written and reference to the original in the file in which it is preserved); (h) Signature of a person identifying the purchaser if any (or thumb impression, if illiterate); and (i) Signature of Dealer/Licensee.

(2) In a separate portion of the register he shall enter in separate columns for each poison, the quantity of each poison sold daily, and those entries shall be filled up from day to day.

(3) The signature in the register specified under sub-rule (1) of rule 15 shall be that of the licensee himself, or, when the licensee is a firm or company, that of an accredited representative of such firm or company and shall be written at the time of sale or dispatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of rule 14 have been fulfilled.

(4) All letters and other written documents including registers shall be preserved in original by the licensee for a period not less than two years from the date of the sale of poisons.

16. *Stock – Register of Poisons.*— (1) A Licensee shall maintain in respect of each poison, a stock register which shall contain the following details, namely:—

(a) Serial No.; (b) Date; (c) quantity received; (d) name and address of person from whom received; (e) quantity sold; (f) balance in stock; and (g) remarks.

(2) Poison issued from stock to the dispensary on any day for retail sale and for dispensing of prescription shall be entered as one item in the issue side of the register with a note to that effect.

(3) The daily balance of stock should be entered in the register.

17. *Custody of poisons kept for sale and labelling of receptacles in which they are kept.*— All poisons kept for sale under these rules by any licensee shall be kept securely in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act and these rules and each poison shall be kept securely within such

box, almirah, room or building in a separate closed receptacle of glass, metal or earthenware. Every such box, almirah, room or building and every such receptacle shall be marked with the word “POISON” in red letters, both in English and in the local language and in the case of receptacles containing separate poisons, with name of such poison.

18. *Poisons sold to be securely packed and labelled.*— When any poison is sold, it shall be securely packed in a closed receptacle or container (according to the quantity); and every such receptacle or packet shall be marked with the word “Poison” in red characters in English and in local language and the name of the poison and the name and address of the licensee.

19. *Penalty.*— Whoever commits a breach of the provisions of these Rules or of the conditions of the license shall be liable for a penalty as specified in section 6 of the Act.

By order and in the name of the Governor of Goa.

Neetal P. Amonkar, Under Secretary (Home).
Porvorim, 27th February, 2019.

SCHEDULE

(See Rule 3 and 4)

List of Poisons

- (1) Acetic acid.
- (2) Sulphuric acid (H_2SO_4) (beyond 5% concentration by weight).
- (3) Hydrochloric acid (HCl) (beyond 5% concentration by weight).
- (4) Phosphoric acid (H_3PO_4).
- (5) Hydrofluoric acid (HF).
- (6) Perchloric acid (HClO_4).
- (7) Formic Acid.
- (8) Hydrocyanic acid except substances containing less than 0.1 per cent weight in weight of Hydrocyanic acid.
- (9) Hydrochloric acid, except substances containing less than 5 per cent weight in weight of Hydrochloric Acid.
- (10) Nitric acid, except substances containing less than 2 per cent weight in weight of Nitric Acid.
- (11) Oxalic Acid.
- (12) Perchloride of mercury (corrosive sublimate).
- (13) Potassium Hydroxide except substances containing less than 2 per cent weight in weight of Potassium Hydroxide.
- (14) Sodium Hydroxide except substances containing less than 2 per cent weight in weight of sodium Hydroxide.

FORM I

(See rule 4)

License for possession and sale of Poisons

Register No.:

Name of Licensee:

Locality of shop:

Shri/Smt. _____ son of Shri _____ carrying on business as _____ in the _____ (Name of Local Body) under _____ Police Station, of _____ District, is hereby licensed to possess for sale by retail and to sell by retail the following poisons, namely:—

1. _____
2. _____
3. _____
4. _____
5. _____

This license is subject to the following conditions, the breach of any of which shall involve cancellation of the license and the licensee shall be liable to a penalty as specified in section 6 of the Poisons Act, 1919.

This license will remain in force from the date of grant for a period of five years unless previously terminated by the death of the licensee or cancelled by the Licensing Authority concerned.

CONDITIONS

- (1) This license shall remain in force for a period of five years from the date of issue.
- (2) The license shall terminate on the death of the licensee-holder or on the transfer of his business or if granted to a Firm or Company, on the winding up or the transfer of the business of such firm or company.
- (3) The Licensing Authority may for any sufficient cause revoke or cancel any license.
- (4) Every sale of a poison shall, so far as possible, be conducted by the License-holder in person or where the license-holder is a Firm or a Company, through or under the supervision of an accredited representative of such firm or company.
- (5) A license-holder shall not sell any poison to any person unless the later personally known to him or identified to this satisfaction by producing photo-identity card. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full possession of his faculties.
- (6) (i) Every license-holder shall maintain a register in which he shall enter all sales of poison other than those used by a chemist and druggist for dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner. The following particulars shall be entered in such register in respect of each sale, namely:—
 - (a) Serial No.
 - (b) Date of sale.
 - (c) Name, telephone number and address of the purchaser.
 - (d) Name of the poison.
 - (e) Quantity sold.
 - (f) Purpose for which the poison was stated by the purchaser to be required.
 - (g) Signature of purchaser or thumb impression if illiterate or in case of purchase by post, date of letter or written documents and reference to the originals in the file in which they are preserved.
 - (h) Signature of dealer/license-holder.
- (ii) In a separate portion of the register shall be entered, in separate column for each poison, the quantity of each such poison sold daily and these entries shall be filed in from day to day.
- (iii) The signature under column (h) of the register shall be that of the license-holder himself or when the license-holder is a Firm or Company that of an accredited representative of such Firm

or Company and shall be entered at the time of sale or dispatch to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirements of rule 14 of the Goa Poisons Possession and Sale Rules, 2014, have been fulfilled.

(iv) All letters or written documents orders referred in column (g) of the register shall be preserved in original by the license-holder for a period of not less than two years from the date of the sale.

(7)(i) A license-holder shall maintain in respect of each poison a stock register, which shall contain the following particulars:—

- (a) Serial No.:
- (b) Date:
- (c) Amount received, name and address of person from whom received:
- (d) Name and address of person from whom received:
- (e) Amount sold:
- (f) Balance in stock:
- (g) Remarks.

(ii) The stock register shall be balanced daily.

(8) All poisons kept for sale by any license-holder (except those kept by a chemist and druggist for the purpose of dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner) shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act and each poison shall be kept within such box, almirah, room or building in a separate closed receptacle of glass, plastic, metal, or earthen-ware. Every such box, almirah, room or building and every such receptacle shall be marked with the word "Poison" in red characters in English and local language and in the case of receptacles containing separate poisons with the name of such poisons.

(9) (a) When any poison is sold, it shall be securely packed in closed receptacle or packet (according to the quantity) and every such receptacle or packet shall be labelled by the vendor with a label bearing the name of the poison in English and local language and the number and date of the entry in the register of sales shall be specified.

(10) The license shall be held subject to the conditions mentioned above and any other conditions as specified by the Government and to the provisions of the Act and rules framed thereunder.

Seal and Signature of Licensing Authority



Department of Law & Judiciary
Legal Affairs Division

The Goa Commission for Scheduled
Castes and Scheduled Tribes
(Amendment) Act, 2019

Notification

7/4/2019-LA

(Goa Act 8 of 2019) [22-2-2018]

AN

ACT

The Goa Commission for Scheduled Castes and Scheduled Tribes (Amendment) Act, 2019 (Goa Act 8 of 2019), which has been passed by the Legislative Assembly of Goa on 31-1-2019 and assented to by the Governor of Goa on 22-2-2019, is hereby published for the general information of the public.

Julio B. Noronha, Joint Secretary (Law).
Porvorim, 27th February, 2019.

to amend the Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010 (Goa Act No. 9 of 2010).

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Commission for Scheduled Castes and Scheduled Tribes (Amendment) Act, 2019.

(2) It shall be deemed to have come into force on the 1st day of October, 2018.

2. *Amendment of section 6.*— In section 6 of the Goa Commission for Scheduled Castes and Scheduled Tribes Act, 2010 (Goa Act No. 9 of 2010), (thereinafter referred to as the “Principal Act”) for the word “sixty-five” wherever it occurs, the word “sixty-seven” shall be substituted.

3. *Repeal and saving.*— (1) The Goa Commission for Scheduled Castes and

Scheduled Tribes (Amendment) Ordinance, 2018 (Ordinance No. 2 of 2018) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Secretariat,
Porvorim-Goa.

Dated: 27-2-2019.

CHOKHA RAM GARG
Secretary to the
Government of Goa,
Law Department
(Legal Affairs).

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